

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AXIS SPECIALTY INSURANCE  
COMPANY

v.

THE BRICKMAN GROUP LTD, LLC

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CIVIL ACTION

NO. 09-3499

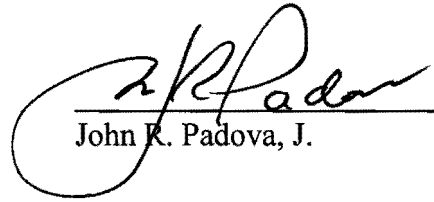
**ORDER**

**AND NOW**, this 18th day of November, upon consideration of the parties' cross-motions for summary judgment, and all concomitant briefing, and for the reasons stated in the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** as follows:

1. The Motion for Summary Judgment filed by Plaintiff Axis Specialty Group ("Axis") (Docket No. 33) is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** insofar as it seeks judgment in Axis's favor on Defendant The Brickman Group Ltd, LLC's ("Brickman") counterclaim for breach of contract. In all other respects, Axis's Motion is **DENIED**.
2. Brickman's Motion for Summary Judgment (Docket No. 34) is **GRANTED IN PART** and **DENIED IN PART**. The Motion is **GRANTED** insofar as it seeks judgment in Brickman's favor on Axis's claims for declaratory judgment, breach of contract and unjust enrichment. In all other respects, Brickman's Motion is **DENIED**.
3. **JUDGMENT IS ENTERED** in favor of Brickman and against Axis on each claim in the Complaint, and **JUDGMENT IS ENTERED** in favor of Axis and against Brickman on Brickman's counterclaim.

4. The Clerk of Court is directed to **CLOSE** this case statistically.

BY THE COURT:



John R. Padova, J.